

Robert A. Mittelstaedt (State Bar No. 60359)  
Caroline N. Mitchell (State Bar No. 143124)  
David L. Wallach (State Bar No. 233432)  
ramitteslstaedt@jonesday.com  
cnmitchell@jonesDay.com  
dwallach@jonesday.com  
JONES DAY  
555 California Street, 26th Floor  
San Francisco, CA 94104  
Telephone: 415-626-3939  
Facsimile: 415-875-5700  
  
Attorneys for Respondents  
CHEVRON CORPORATION and CHEVRON U.S.A.  
INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

*IN RE* APPLICATION OF THEOPHILUS G.  
METSAGHARUN, *et al.* FOR AN ORDER  
GRANTING LEAVE TO ISSUE  
SUBPOENAS FOR THE TAKING OF  
DISCOVERY PURSUANT TO 28 U.S.C.  
1782

**Case No. 12-80274 MISC JSW (KAW)**

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING HEARING  
DATE**

Courtroom: 4  
Judge: Hon. Kandis A. Westmore

In accordance with Local Rule 7-12, the parties in the above-captioned action, through their respective counsel, stipulate as follows:

Whereas Applicants Theophilus G. Metsagharun, Jackson Omareye, Lofty Ogbe, Bawo Omadeli and Gbejule Okoturo filed an Application for Discovery Pursuant to 28 U.S.C. § 1782 on November 29, 2012 (the “Application”);

Whereas, after the parties agreed to and filed a stipulated briefing schedule and hearing date on December 17, 2012, the case was reassigned, first to Judge Samuel Conti, then to Judge Thelton Henderson, and finally to Judge Jeffrey White;

Whereas the parties each understood the reassignment orders to require the hearing to be recalendared in accordance with the schedule of the judge to whom the case had been reassigned.

*See* Dkts. 21, 22 & 23 (“[a]ll hearing dates presently scheduled are vacated and motions should be

renoticed for hearing before the judge to whom the case has been reassigned”);

Whereas the parties are still meeting and conferring regarding plaintiffs’ application for discovery;

IT IS HEREBY STIPULATED THAT:

1. The hearing for the Application set for January 17, 2013 at 11:00 a.m. and the associated briefing schedule shall be vacated;

2. The parties will continue to work together to agree to a new stipulated hearing date and briefing schedule that accords with the Court’s calendar and the parties’ schedules.

Pursuant to Local Rule 5-1(i)(3), I, David L. Wallach, attest that concurrence in filing this document has been obtained from the other signatory.

Dated: January 4, 2013

JONES DAY

By: /S/ David L. Wallach

David L. Wallach

Counsel for Respondents  
CHEVRON CORPORATION and  
CHEVRON U.S.A. INC.

Dated: January 4, 2013

EARTHRIGHTS INTERNATIONAL

By: /S/ Richard Herz

Richard Herz (*pro hac vice*)

Counsel for Applicants  
THEOPHILUS G. METSAGHARUN, et  
al.

PURSUANT TO THE FORGOING STIPULATION, IT IS SO ORDERED THAT:

The hearing and briefing schedule are vacated as set forth above.

Dated: January 1, 2013

  
The Honorable Kandis Westmore